FILE

Decl. Res. No. 4-19-1920

Opening & Extending WEBSTER ST.
from the South property line of the
N.Y. Chicago and St. Louis R.R. Co. North
across said R.R. Co's property to
the North Line thereof.
Adopted Dec. 17, 1920.
All action rescinded on
January 13, 1921

J. O. Brown
A. T. Anderson
C. L. Baird

SINGMASTER PRINTING CO. FORT WAYNE, IND.

DECLARATORY RESOLUTION NO. 419-1920.

For the opening and extending of Webster Street from the south property line of the New York, Chicago and St. Louis Railroad Company, North across said Railroad company's property to the North line thereof.

Resolved by the Board of Public Works of the city of Fort Wayne, Indiana, that it is desired and deemed necessary to open and extend Webster Street in the city of Fort Wayne, ~~Indiana~~ Allen County, Indiana, from the south property line of the land owned by the New York, Chicago and Saint Louis Railroad company, North across said company's right-of-way to the North line of the land owned by the said New York, Chicago and Saint Louis Railroad company.

Said opening and extending as above described to have a uniform width of sixty-six (66) feet to be made by condemning and appropriating for street purposes sufficient land described as follows, to-wit: Commencing at the intersection of the east line of Webster Street with the south property line of the New York, Chicago and Saint Louis Railroad company, thence North on the East line of Webster Street produced North to the North property line of said Railroad company, thence west on the said Railroad company's North property line to the west line of Webster Street produced North to intersect the said North property line, thence south on the west line of Webster Street produced North to the south property line of said Railroad company, thence east on the said New York, Chicago and Saint Louis Railroad Company's south property line to the place of beginning.

All of the above described street and parcels of land being situated in the south half of Section 2, Township 30 North Range 12 East.

All as shown by a plan of such proposed opening and extending of Webster Street as above described now on file in the office of the Department of Public Works of said city of Fort Wayne, Indiana.

The property which may be injuriously or beneficially affected by the opening and extending of Webster Street, as above described is described as all lots and parcels of land not occupied by streets and alleys lying south of the St. Mary's River, East of a line that is half way distant between Ewing Street and Webster Street, North of the Wabash Railroad and west of a line that is half way distant between Harrison Street and Webster Street.

All of the street and lots and lands affected by the opening and extending of Webster Street as above described being situated within the corporate limits of the city of Fort Wayne, Allen County, Indiana.

Adopted this 16th day of December 1920.

J O Brown
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R. T. Anderson
.....

O L Baird
.....

BOARD OF PUBLIC WORKS.

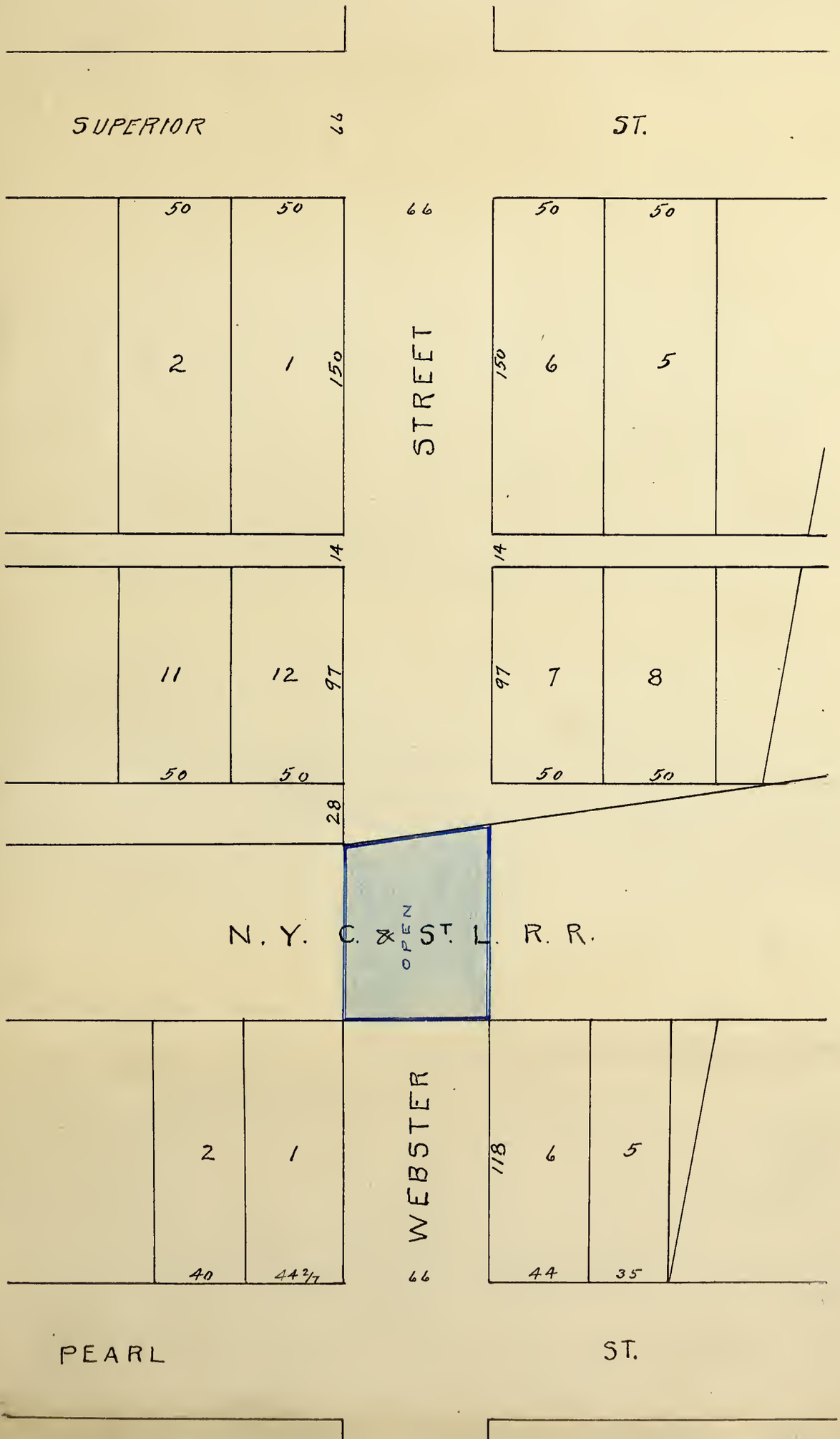
PLAN OF THE OPENING AND EXTENDING OF

WEBSTER STREET

FROM SOUTH PROPERTY LINE OF THE N.Y.C. & ST.L.R.R.

TO THE NORTH PROPERTY LINE OF THE N.Y.C. & ST.L.R.R

DEC. RES. NO. 419 - 1920



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1000—5-15-19

PETITION

Fort Wayne, Ind., July 12-1920

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate City of Fort Wayne*, from* Main + Berry *to* Superior St *respectfully petition for the passage of a resolution providing for* the opening of Webster St. across Nickle Plate R. R.

J. M. Henry
E. M. Maxwell
John A. Maxwell
H. Keegan
W. A. McKay
J. E. Hewitt
Wm. G. Tolland
Walter L. Curdes
A. Wolf
E. Mercer
J. M. [illegible]

Received July 12, 20

Petition for Passage

of a Resolution for

_____

_____

_____

_____

from _____

to _____

Filed With the Board of Public Works

7/12/20

Referred to City Engineer

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Cleary & Bailey, Prompt Printers

STATE OF INDIANA, BEFORE THE BOARD OF PUBLIC WORKS,

ALLEN COUNTY, SS: OF THE CITY OF FORT WAYNE.

IN RE DECLARATORY RESOLUTION NO. 419-1920.

For the opening and extending of Webster Street from the south property line of the New York, Chicago and St. Louis Railroad Company, north across said Railroad Company's property to the north line thereof.

Comes now THE NEW YORK, CHICAGO & ST. LOUIS RAILROAD COMPANY and respectfully remonstrates against the confirmation and final adoption of said resolution and the opening of said Webster Street for the following reasons, to-wit:

That The New York, Chicago & St. Louis Railroad Company is a railroad corporation owning, running and operating a railroad from the City of Buffalo, in the State of New York, through the states of New York, Pennsylvania, Ohio, Indiana and Illinois, to the City of Chicago, running through the City of Fort Wayne, Allen County, Indiana, which isone of its principal stations and business points along and upon its said railroad, and that a large portion of the local freight and produce of all kinds, received from other points and shipped from the City of Fort Wayne, are received at and shipped from this remonstrator's freight house, located as hereinafter set forth; that its passenger station and offices are located immediately east of Calhoun Street, in the City of Fort Wayne, which street crosses its right of way and tracks, and that Harrison Street is located about three hundred (300) feet west of Calhoun Street and also crosses the right of way of this

remonstrator's railroad; that to accommodate and serve the citizens of Fort Wayne and the general public and furnish them proper railroad facilities, this remonstrator maintains its freight house,for the receiving and delivering to the public freight in less than carload lots, immediately west of Harrison Street along and upon its said right of way; that said Webster Street is approximately six hundred (600) feet west of Harrison Street and Ewing Street is approximately three hundred seventy-five (375) feet west of Webster Street; that Ewing street is open and a crossing maintained for the general public across the right of way and tracks of this remonstrator; that this remonstrator maintains through said City of Fort Wayne, and extending across the various Streets in the City of Fort Wayne, including Calhoun, Harrison, Ewing and other streets, two (2) main tracks; that immediately west of Harrison Street this remonstrator maintains two freight house tracks immediately to the south of its said main tracks and extending westward to and beynnd Ewing Street, from which freight tracks all local freight is loaded and unloaded from the cars standing thereon; that immediately south of the remonstrator's freight house, for the receiving and delivering of freight in less than carload lots, and adjacent to its right of way, there are located the property and buildings of the Mossman-Yarnelle Wholesale Hardware, where there is conducted one of the largest wholesale businesses in the City of Fort Wayne; that immediately to the west of said Mossman-Yarnelle Company's property, and adjacent to the remonstrator's right of way and to Webster Street on the east, there is located the Perfection Biscuit Company, which owns and has a portion of its buildings immediately west of Webster Street; that to the west of the said Perfection Biscuit

Company, and adjoining this remonstrator's right of way on the south, there are other and numerous business located; that for the accommodation of said wholesale business men, so situated immediately south of the right of way of this remonstrator, and the general public, the said remonstrator maintains a switch or side track for the delivering of carloads of freight to said Mossman-Yarnelle Company, Perfection Biscuit Company and other industries along and adjacent to said remonstrator's right of way, and to dealers in various products in the City of Fort Wayne, which said track is used for the delivering of carload freight to the wholesale businesses situated adjacent to said tract, and for the delivery of carloads of freight to be unlaoded from freight cars upon said track; that a large portion of the meat and other products, shipped in carload lots to dealers in the City of Fort Wayne, is delivered from said sidetrack which is located at the end of Webster Street immediately south of this remonstrator's right of way.

That the said right of way and railroad grounds,so owned by the said remonstrator in the City of Fort Wayne, including its right of way from Harrison Street westward through said city, was purchased and has been occupied and used exclusively for railroad yards and the shipping and delivering of freight to the citizens of Fort Wayne; that along and upon its right of way and tracks from Harrison Street west to and beyond Ewing Street, said right of way and tracks of this remonstrator are in constant use for railroad yard purposes in the operation of the remonstrator's railroad for the benefit of the general public, night and day, and cars standing upon the tracks for loading and unloading constantly occupy the entire premises between Harrison and Ewing Streets, and

the same is absolutely necessary for the delivering and receiving of freight and is so located and situated as to accommodate the general public and serve the best interests of the City of Fort Wayne.

That Ewing Street has for years past been opened and used by the general public, and a watchman has been maintained at said street for the safety of the general public by said remonstrator, and it, together with the other streets now opened across the right of way of this remonstrator, afford all necessary accomodations for the general public.

That immediately north of this remonstrator's right of way and between said right of way and Superior Street there is a narrow strip of land better suited for railroad track frontage and wholesale business houses than for any other purpose; that immediately to the north of said Superior Street runs the St. Mary's River, and there are streets to the north of the St. Mary's River which do not cross said river and which cannot be extended across the same without the construction of new bridges; that Ewing Street, extended north across the river in practically a direct line, would intersect Wells Street, which extends from the north of said river to the northern part of said city; that if Webster Street were opened across the right of way of this remonstrator, it would not intersect any street if extended directly northward, but would have to be constructed diagonally across the property between this remonstrator's property and the intersection of a street north of the river; that there is no certainty as to when any additional bridges will be constructed across the St. Mary's River or at what point; that the extension of Ewing Street

to Wells Street would be the available and proper line for the construction of a street to connect with streets across said river and intervening property.

That the opening of Webster Street across the right of way of this remonstrator, as proposed in said resolution, would materially interfere with and destroy the use of the intervening territory between Ewing Street and Harrison Street for railroad purposes and the receiving and delivering of freight and the switching and handling of cars and permitting the same to be unloaded and loaded, as hereinbefore set forth, for which purposes it has been used ever since the construction of said railroad, and the use of the same for railroad purposes, for which it is adapted and has been constructed and used for more than thirty (30) years, would be absolutely destroyed by the opening of said Webster Street at grade across the right of way of this remonstrator, and if opened across remonstrators tracks would be a dangerous crossing on account of its approach as the tracks being obstructed by large buildings adjacent to the tracks

That the territory and tracks of this remonstrator, from Ewing to Harrison Street are taxed to their full capacity for the handling of freight for the accommodation of the general public and for the uses of said remonstrator, both day and night, which uses and purposes of the same would be destroyed by the opening of Webster Street.

Your remonstrator, therefore, avers that there is no right existing in the Board of Public Works of the City of Fort Wayne, to open said Webster Street across the tracks and yards of this remonstrator, as proposed in the resolution hereinbefore referred to; that the same cannot be opened and used as a public street without destroying said premises for railroad yards, for which it was purchased, dedicated and has been used for the

last thirty (30) years.

WHEREFORE, your remonstrator asks that said resolution be disapproved and that said street be not ordered opened across the right of way of this remonstrator, and for all other proper orders in the premises.

The New York Chicago and St. Louis Railroad Company

By Edward Thomas Jr.

Attorneys for ~~Remonstrator~~.

No.
Before the Board of Public Works of the City of Fort Wayne

In the Matter

of

Declaratory Resolution #419-1920

Remonstrance of The New York, Chicago & St. Louis Railroad Company

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OLDS AND THOMAS
LAWYERS
SHOAFF BUILDING
FORT WAYNE, INDIANA
Attorneys for Remonstrator

Ft. Wayne, Indiana, July 12, 1920

Mr. F. M. Randall, City Engineer

Dear Sir:

The attached petition for the opening of Webster Street across the Nickel Plate Railroad was referred to you. July 12, 1920.

Respectfully yours,

F. G. Wyneken Clerk.
Board of Public Works.
Per O.S.